No. 84-1144

Office • Supreme Court, U.S.
FILED
JUN 27 1985
ALEXANDER L. STEVAS
CLERK

In the Supreme Court of the United States

OCTOBER TERM, 1984

UNITED STATES OF AMERICA, PETITIONER

v.

JOHN VON NEUMANN

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

JOINT APPENDIX

CHARLES L. BIRKE
Sandler and Rosen
1801 Avenue of the Stars
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Los Angeles, California 90067
(213) 277-4411
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Washington, D.C. 20530
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Counsel for Petitioner

PETITION FOR WRIT OF CERTIORARI FILED JANUARY 15, 1985
CERTIORARI GRANTED, APRIL 29, 1985

BEST AVAILABLE COPY

TABLE OF CONTENTS *

	Page
Relevant docket entries	1
Petition for Remission or Mitigation, dated January 20, 1985	12
Supplement to Petition for Remission or Mitigation, dated February 12, 1975	13
Letter from D. Eide to L. Finegold reflecting remission decision, dated February 25, 1975	17
Letter from L. Finegold to D. Eide invoking Customs review procedures, dated March 4, 1975	18
Letter from D. Eide to L. Finegold reciting Regional Commissioner's decision, April 14, 1975	20
Order granting certiorari	21

* The opinions below are printed in the appendix to the petition for writ of certiorari and have not been reproduced.

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

CV 75-3453

JOHN VON NEUMANN

v.

UNITED STATES OF AMERICA; SECRETARY OF THE TREASURY; COMMISSIONER OF CUSTOMS; and DISTRICT DIRECTOR OF CUSTOMS FOR THE PORT OF SEATTLE, DISTRICT 30.01

RELEVANT DOCKET ENTRIES

DATE	PROCEEDINGS
10/14/75	Fld complt. Issd summs. sam
11/5/75	Fld Pltgvs retrn summs serv 3. ct
12/12/75	Fld Stip and ORD ext'g ti to defts to 1/16/76 to ans the Complt. jcd
1/12/76	Fld Stip & ORD ex ti to defts until 1/31/76 to ans, move or otherwise plead to complt. jmr
2/2/76	Fld defts' ANSWER to complaint and COUNTERCLAIMS. jmr
2/13/76	Fld pltf's REPLY to counterclaims. rl Fld pltf's 1st req for docs. jmr
3/3/76	Fld Stip and ORD ext'g date for serving response tp 3/25/76. jcd
3/24/76	Fld defts' response to pltf's 1st req for docs. jmr
11/11/76	Fld defts' ntc of mot & mot, rtnble 12/13/76 at 9:30am, for setting of PTC. rlb

DATE	PROCEEDINGS
12/13/76	MIN ORD: HRNG deft mot for setting P/T/C: Crt Ords defts mot off cal, all cnsl to be pres. Cnsl to re-file mot. rlb
12/17/76	Fld pltf's ntc of mot & mot, rtnble 1/24/77 at 10am, for setting of PTC. rlb
1/17/77	Fld defts notc of tkg deposition of pltf John Von Neumann. Fld defts notc of tkg deposition of Paul R. Ginther. Issd supb. ejb
1/27/77	Fld deposition subp to testify or prod doc or things retnrd not servd as to deft Paul R. Ginther c/o Bill Yates, Inc. ejb
*1/24/77	MIN ORD: Hrg pltfs motn for setting P/T C at 3/17/77 at 4:30pm. Cnsl to comply w/rule 9 & file contentions 1 wk before PTC. ejb
3/2/77	Fld stip & ORD contg PTC retnble 4/28/77, 4pm. sam
3/3/77	Fld pltf's reply to defts' memo in oppos to pltf's motn for prelim inj. sam
3/18/77	Fld pltf's notc of tkg depos of Harley Perkins on 3/24/77, 10:30am. Fld pltf's notc of tkg depos of D.E. Morrison on 3/24/77, 1:30pm. sam
4/15/77	Fld defts' memo of Contentions of Fact & Law. caw
4/14/77	Fld pltf's memo of contentions of fact & Law. caw
4/22/77	LODGED: Pltf's PTC proposed ORD. caw
4/28/77	MIN ORD: PTC HAD. Crt sgns PTC ORD. Crt sets settlmt conf for 10/21/77, 3:00 PM. Crt sets C/T for 10/25/77, 9:30 AM. caw
*4/22/77	Fld Pltf's PTC ORD. caw

DATE	PROCEEDINGS
10/21/77	MIN ORD: Sttlmnt conf, crt & cnsl confer. lb
10/25/77	MIN ORD: Crt Trial 1st da case cont to 10/26/77 8:30AM. lb
10/26/77	MIN ORD: Crt. Trial 2nd da, crt tks trial under submission. lb
6/30/78	MIN ORD: Crt finds for dfts on complt & for pltf & counter dft on X-clm. dft to sub proposed findgs, concl & judgmt. dg
1/12/79	LODGED defts' proposed finds of fact & concl of law. LODGED defts' proposed jdgmt. rlb
1/22/79	LODGED plf's proposed finds of fact & concl. of law. Fld pltf's objs to proposed finds of fact & concl of law; proposed finds of fact & concl of law. rlb
9/20/79	Fld defts' finds of fact & concl of law. Fld jdgmt & ORD thereon that jdgmt be Granted in fv defts & agnst plf & dsmg action & that costs be taxed agnst plf (Ent 9/21/79 ntfd prtys) JS-6. rlb
9/28/79	Fld defts' bill of costs, rtnble 10/5/79, 10am. rlb
10/5/79	Taxed costs in sum of $61.00 agnst plf. rlb
11/16/79	Fld pltf's NOTC OF APPEAL to 9th Cir C/A frm jdgmt ent 9-21-79. lw
11/30/79	Fld plf's designation of Reporter's transcript. rlb
12/28/79	Fld orig Rptr's transc of prcdgs had on 10/25/77 & 10/26/77. fb
3/17/80	Fld plf's designation of record on appeal. rlb
10/6/80	Fld defts x-design of clk's record on appeal. rz
12/3/80	Issd & Fwd to C/A lcc rec on appeal; along w/orig of reptr's transc of prcdgs had on 10/25/77 & 10/26/77. af

DATE	PROCEEDINGS
5/28/82	Lodged judgmt affirmrf inpart reversed & remand inpart. sb
6/11/82	Fld notc of filing hrg on filing & spread on 6-21-82 10am. sb
6/15/82	LODGED PLTF JUDGMNT. sb
6/15/82	Fld pltf delcar re cosy expended. Fld notc of change of filing & spreading of USCA judgmnt 6-21-82 9:30am. sb
6/21/82	MIN ORD: Flng & sprdng US Crt appeals jdgmnt, affirming, reversing & remanding. Deft's req to defer entry of jdgmnt granted. Crt ORDs flng & sprdng of jdgmnt of Crt of Appeals stayed 60 days. mm
6/28/82	LODGED Ord recalling mandate & staying until 8/16/82. nm
8/4/82	Fld deft notc of recall & stay of mandate. lm
9/14/82	Fld notc of hrg on filing & spreading jdmt of Crt of appeals rtnbl 9-27-82 10AM. lm
9/15/82	Fld notc of cont of hrg on filing & spreading of 9th Cir mandate from 9-27-82 to 10-4-82 10AM. lm
9/20/82	LODGED prop jdmt. lm
9/20/82	Fld pltf declar re costs expended. lm
*8/25/82	Lodged from C/A 9th cir copy of jdmt affirming in part & reversing in part & remanding in part USDC. lm
9/24/82	Fld defts' Notc of flg of petn for writ of certiorari and reqst for stay of the flg and spreading of the mandate. jcd
10/4/82	MIN ORD: Filing & spreading of USCCA mandate; defts reqst for stay pending writ of certiorari. Crt ords stay of filing & spreading

DATE	PROCEEDINGS
	of mandate from 9th cir Crt of Appeals until aft the US Supreme Crt has ruled on writ of certiorari. lm
*6/18/82	Fld defts obj to flng & spread & to entry & form of pltfs prop jdmt. lm
12/5/83	MIN ORD: Crt ORDS mandates of USCA 9th Cir lodged w/crt on 5-28-82 & 8-25-82 be placed in file & further actn will be taken by crt upon reissuance of mandate upon Crt of Appeals' final decision. (ENT 12-6-83). sm
10/2/84	LODGED cc ORD—the judgmnt of the USDC is affirmed in part, remanded in part. mb
10/15/84	MO: Flng of mandate is stayd pendng gov's decision re a course of actn; Gov will keep Crt infrmd as to status. Ent 10/19/84. wh
10/19/84	MO: ORD tht case be assnd purs rule 2 to Judge Curtis. Reassigned 10/20. wh
*10/10/84	Jdmt from Ct of Appeals set for hearing on 10-15-84 10am. sa
2/11/85	Stat rpt. deft. sa
5/8/85	LODGED cc ord frm US SUPREME CRT granting petn fr writ of cert. avm

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

No. 79-3761

JOHN VON NEUMANN, PLAINTIFF-APPELLANT

v.

UNITED STATES OF AMERICA; SECRETARY OF THE TREASURY; COMMISSIONER OF CUSTOMS; and DISTRICT DIRECTOR OF CUSTOMS FOR THE PORT OF SEATTLE, DISTRICT 30.01, DEFENDANTS-APPELLEES

RELEVANT DOCKET ENTRIES

DATE	FILINGS-PROCEEDINGS
1979	
Nov. 26	DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. wdt
Nov. 26	Rule 19 (b) billing letter sent. wdt
Dec. 4	RECVD DOCKET FEE PAYMENT NOTIFICATION FORM.
1980	
Jan. 7	Filed, CERTIFICATE OF RECORD (12/28). ss
Jan. 7	Aplt (Von Neumann) opening brief due 2/18/80. ss
Feb. 12	Fld mtn & ord (Clk) gtng Aplt/ext of time to fl opng/brf to: MAR 3, 1980. IGT
Feb. 26	Fld mtn & ord (Clk) gtng Aplt/ext of time to fl opng/brf to: MAR 17 1980. IGT

DATE	FILINGS-PROCEEDINGS
1980	
Mar. 19	Filed orig & 15 aplt's opening briefs & 5 Excerpts. (3/17/80). ogm
Mar. 22	Fld mtn & ord (Clk) gtng/Resp ext of time to fl answg brf to: MAY 17 1980. IGT
May 19	Filed orig & 15 aple's briefs. (5/16/80) ogm
June 2	Filed orig & 15 aplt's reply briefs. (5/30/80) ogm
Dec. 11	FILED as of 1/7 CERT RECORD ON APPEAL IN TWO VOLS, PLDGS, VOL I copy R/T VOL II, orig *ONE ENVELOPE OF EXHIBITS.* pv
1981	
Apr. 1	Filed aplt's motion for continuance of hearing. (panel) 3/27 -db-
Apr. 29	Filed order (Sr. Dpty Clrk for Ct) the aplt's motion for continuance of oral argument is granted. This case shall be removed from the May 5, 1981 Pasadena calendar and shall be rescheduled upon further order of the court -db-
May 13	Filed (IN LA) order (Dpty Clrk for Ct) argument in this appeal has been rescheduled for Wednesday, June 3, 1981, at 10:00 a.m. in the Customs Court on the eighth floor of the Federal Building at 300 North Los Angeles Street, Los Angeles, California. Counsel are requested to check in with the deputy clerk at least thirty minutes prior to the time of argument .-db-
June 3	ARGUED & SUBMITTED BEFORE TANG, BOOCHEVER, CJJ & PRICE, DJ (E.Calif.) -db-
June 12	Filed aple's additional citations. (panel) 6/10 -db-
June 24	Filed, as of Jun 22, aplt's response to aple's additional citations. (panel) 6/18 -db-

DATE	FILINGS-PROCEEDINGS
1981	
Aug. 10	Rec'd ltr dtd Aug. 7, from counsel for aples, re: additional citations. (panel) -db-
Aug. 17	Rec'd ltr dtd Aug 14, from counsel for aplts, re: response to aple's additional citations of ltr dtd Aug 7. (panel) -db-
Nov. 2	ORDERED OPINION (BOOCHEVER) FILED & JUDG TO BE FILED & ENTD. -db-
Nov. 2	filed opinion—affirmed in part; reversed & remanded in part.
Nov. 2	FILED & ENTERED JUDGMENT. -db-
Nov. 19	Filed, as of Nov 12, aples' motion for ext of time to file petition for rehearing (requested ext to 12/16/81) (panel) 11/10 -db-
Nov. 19	Filed order (Dpty Clk) aples have until Dec. 16, 1981, w/in which to file a petition for rehearing or suggestion for rehearing en banc. Issuance of mandate stayed until Dec. 16, 1981. ec
Nov. 19	Filed, as of Nov 5, order (Acting clrk for ct) the opinion, filed on Nov. 2, 1981 is corrected as follows: (see case file) -db-
Dec. 17	Filed an orig & 24 Appellees' Petition for Rehearing and Suggestion For Rehearing En Banc. 12/15 (panel, active judges) ec
1982	
May 18	Filed order (TANG, BOOCHEVER & PRICE*) the opinion is modified as follows: (see case file). The petition for rehearing is denied and the suggestion for rehearing en banc is rejected. -db-
May 26	MANDATE ISSUED

DATE	FILINGS-PROCEEDINGS
1982	
June 2	Filed, as of May 27, aples' motion for stay of mandate, or, in the alternative, for recall and stay of the mandate. (PANEL) 5/25 -db-
June 25	Filed order (BOOCHEVER) it is ordered that the mandate issues in the above-entitled case be recalled and that it be stayed to and including Aug. 16, 1982. -db-
Aug. 23	MANDATE ISSUED
Sept. 29	*RECVD SC notice of filing petition for cert on 9/15/82, SC#82-452. pn*
1983	
June 10	Filed SC letter of June 6, 1983, granting writ of cert; the judgment of CA is vacated and the case is remanded to CA for further consideration in light of u.s. v. $8,850 in United States Currency, 461 U.S. —— (1983). pn
June 10	case re-opened—J/S 34 prepared. pn
July 6	Filed order (TANG & BOOCHEVER, CJ & PRICE, DJ) The parties are requested to file simultaneous briefs as to the application of the decision by the United States Supreme Court in the United States v. $8,850 in United States Currency, 461 U.S. (1983, 51 U.S.L.W. 4587. The briefs shall be filed on or before thirty days from the date of this order. pn
July 12	Filed certified copy of SC orders of 6/6/83, granting cert · vacating and remanding CA judgment for further consideration in light of United States v. $8,850 in U.S. Currency, 461 U.S. —— (1983). (copies to panel) pn
July 25	Filed aplt's supplemental brief (5-pgs. orig & 15) 7/19 -panel- ec

DATE	FILINGS-PROCEEDINGS
1983	
Aug. 8	Filed orig & 15 Appellee's Suppl. briefs (21-pgs.) 8/5 -panel- ec
1984	
Apr. 3	As of March 30, 1984, ORDERED OPINION (BOOCHEVER) FILED & JUDG TO BE FILED & ENTERED.
Apr. 3	As of March 30, 1984, FILED OPINION—AFFIRMED IN PART & REMANDED IN PART.
	AS OF MARCH 30, 1984, FILED & ENTERED JUDGMENT. pn
Apr. 11	Filed Motion and Order (Dpty. Clk for Court) appellees have until May 15, 1984 within which to file any petition for rehearing or suggestion for rehearing en banc. (panel) ec
May 15	FILED ORIG & 33 copies of appellees' (USA) PETITION FOR REHEARING & SUGGESTION FOR REHEARING EN BANC. 15 pages 5/14/84 (PANEL & ALL JUDGES) pn
May 21	Filed orig & 3 appellees DECLARATION OF DONALD W. LEWIS, DIRECTOR, ENTRY PROCEDURES & PENALTIES DIVISION, OFFICE OF REGULATIONS AND RULINGS, OFFICE OF COMMERCIAL OPERATIONS, UNITED STATES CUSTOMS SERVICE. (re entry of 5/15/84, pg 11 declaration not duly signed by Donald W. Lewis) (panel) pn This is signed by Lewis.
Sept. 18	Filed Order (TANG, BOOCHEVER, PRICE) The petition for rehearing is DENIED and the suggestion for a rehearing en banc is rejected. 9/18 pw
Sept. 28	MANDATE ISSUED

DATE	FILINGS-PROCEEDINGS
1984	
	RECORD RET'D Date: 3-1-85
	Pldgs: Vol(s) ————
	R/T's: Vol(s) 1 originals
	Exh's: —— Bx, 1 Env ( ) Sealed
	Ctfd Mail No. P718207682
1985	
Mar. 14	Recv'd as of Jan. 28, 1985 Notice of Filing Petition For Certiorari. 1/15/85 SC# 84-1144. pw
May 3	Filed Certified copy of SC order GRANTING Writ of Certiorari as of 4/29/85. bf

BUREAU OF CUSTOMS
19 73, C. R.

BUREAU BUDGET NO. 48-R0469

PETITION FOR REMISSION OR MITIGATION OF FORFEITURES AND PENALITIES INCURRED

DISTRICT	PORT	SEIZURE NO.
Seattle, Wash	Blaine, Wash	75-3004-10982

DESCRIPTION OF MERCHANDISE

1 1974 Jaguar Panther, Calif Lic 688-LYL, Vin ~~3372333~~ 70802

Violation: 19 USC 1497
19 USC 1595a

NAME	ADDRESS
John ~~MEHEAM~~ M. Vonleuman	1505 Rose Ave Palm Springs, Calif

I petition for the release and delivery of the seized above-described merchandise and for relief from the personal penalty incurred because of the following mitigating circumstances.

This car was intented as a gift for Miss. E.G. Blite who is at present unable to join me on holiday in Canada. Her birthday is Jan 26th and in place of her coming to Canada for that occasion I wanted to expedite the cars delivery. The undersigned had no intention of avoiding U.S. customs duties, which is incongruous for someone who has personally and in business imported and paid duties on more vehicles than just about anyone in the U.S. - I have intended to declare customs papers to the Canada Customs, however the first stop was a apparent U.S. Immigration Officer, who ask us about our Citizenship and routine declaration. It was an honest mistake and oversight and before I knew it I was forced into the state of seizure. I respectfully request the above is considered in the

SIGNATURE	ADDRESS	DATE
	Same as above	01-20-75

CUSTOMS FORM 4609 Feb. 69

GPO 862-944

FRANCO, ASIA, BENSUSSEN & COE
Attorneys at Law
602 Tower Building
Seattle, Washington 98101
624-5622

February 12, 1975

Director of the Bureau of Customs,
Donald L. Eide
2039 Federal Office Building
Seattle, Washington 98104

Attn: Mrs. Dee Decker

Re: Seizure No. 75-3004-10982, a 1974 Jaguar Panther, California License No. 688-LEG

Dear Mr. Eide:

On January 20, 1975 Mr. John vonNeumann had the vehicle he was driving seized by Customs Officials pursuant to 19 U.S.C. § 1497 at Blaine, Washington. Mr. vonNeumann denied then and continues to deny that he had any intent to "not include in the declaration and entry" a 1974 Jaguar in which he was returning from Vancouver, B.C. to California.

The following information concerning the events of January 20, 1975 and the background of Mr. vonNeumann is submitted as a supplement to the Petition for Remission or Mitigation of Forfeitures and Penalties Incurred which Mr. vonNeumann filed on January 20, 1975 at the time the vehicle he was driving was seized.

In April 1974 Jon vonNeumann purchased in Europe a 1974 Jaguar Panther automobile for Grace E. Blote of California. Since it was to be a gift for her and intended for use in California, he registered the vehicle in her name with the Motor Vehicle Department of the State of

California. Thereafter, the automobile was shipped from Geneva, Switzerland to Vancouver, B.C. where Mr. vonNeumann and Grace Blote were to pick up the car, visit Canada for several days, and then return to Southern California. When Grace Blote became ill and could not travel, Jon vonNeumann and Paul R. Ginther, on January 20, 1975 flew to Vancouver, B.C. to pick up the car and drive it directly to Los Angeles, California.

At the waterfront in Vancouver, B.C. on January 20, 1975, Canadian Customs released the vehicle to Mr. vonNeumann and provided him with documents which he was instructed to furnish to Canadian Customs at the Blaine border crossing before entry into the United States. Mr. vonNeumann and Mr. Ginther left Vancouver's waterfront immediately thereafter and drove south to the Blaine border crossing.

As they approached the border they looked for the Canadian Customs Office to deliver the papers as instructed. As they recall, they became confused and could not locate Canadian Customs so they decided to follow the normal roadway and the posted arrows. The first building they arrived at turned out to be the United States Immigration Station rather than the Canadian Customs Post. Mr. vonNeumann immediately asked the inspector on duty where Canadian Customs was located. Instead of answering that question the officer in a very short period of time asked Mr. vonNeumann several questions and Mr. Ginther one question.

In a period lasting no more than one minute, during which time Mr. vonNeumann asked about the location of Canadian Customs to no avail, the following questions were asked and answered to the best of his memory:

Q: Are you an American Citizen?
A: Yes.
Q: Does the baggage in the back belong to you and your passenger?
A: Yes.

Q: Are you carrying liquor?
A: No.
Q: Are you carrying firearms?
A: No.
Q: Are you carrying cigarettes?
A: Yes, for personal consumption.
Q: Did you purchase anything while in Canada?
A: No.
Q: Where were you born?
A: Austria
Q: Are you a naturalized citizen?
A: Yes
Q: Where were you naturalized?
A: Salinas, California.

Mr. Ginther was then asked where he was born, to which he responded "Los Angeles, California."

Mr. vonNeumann was next told by the immigration inspector to park his car and follow the inspector which he did. The inspector led him into a building where he was immediately informed by a man later identifying himself as a Customs Inspector that the vehicle was "seized". Interrogation of Mr. vonNeumann followed for approximately three hours at which time he and Mr. Ginther were released.

During the time he was questioned by the first immigration inspector, Mr. vonNeumann was not asked if he had anything to declare, his questions concerning the location of Canadian Customs went unanswered, and he was not given an opportunity to describe his purpose in seeking to locate Canadian Customs. The papers which were to be turned over to Canadian Customs were in full view in the car and were later taken by United States Customs.

Mr. vonNeumann intended to declare and pay duty on the automobile. Either because of haste or impatience on the part of the Immigration Inspector or misunderstanding on the part of Mr. vonNeumann the one minute conversation unjustifiably led to the seizure of the vehicle in question.

Mr vonNeumann is a reputable businessman who during the period 1953 through early 1973 was a major importer and distributor of Volkswagen and Porsche automobiles into the United States. He is familiar with customs laws, duty on imports, and the penalty for failure to make a proper declaration. Mr. vonNeumann has had a successful business career and was well able and prepared to pay duty on the vehicle.

The Customs Service version of the events has not been provided to us. Accordingly, we are not in a position to either agree with or dispute contentions of the individual immigration officer who first questioned Mr. vonNeumann and Mr. Ginther and whose word is relied upon for the seizure. It is our position, however, that Mr. vonNeumann did not intend to import a conspicuous automobile into the United States without paying the lawful duty thereon and that none of his actions show such intent. We welcome any opportunity to attend a hearing in this matter and to submit under oath to questioning concerning this matter.

It is our position that in view of the circumstances, background, and clear potential for confusion, any penalty pursuant to 19 U.S.C. § 1497 would be unwarranted and inappropriate.

If I may provide you with other details please do not hesitate to call upon me.

Very truly yours,

/s/ Laurence B. Finegold
LAURENCE B. FINEGOLD

LBF:js

DEPARTMENT OF THE TREASURY
U.S. CUSTOMS SERVICE
Seattle, Wash.

Feb. 25, 1975

Refer to
District Case
No. 75-3004-10982

Franco, Asia, Bensussen & Coe
602 Tower Bldg.
Seattle, WA 98101

Attention: Laurence B. Finegold

Gentlemen:

Your application for relief from liabilities incurred by John vonNeumann for violation of 19 USC 1497, failure to declare a 1974 Jaguar Panther upon entry into the United States at Blaine, Washington on January 20, 1975, has been reviewed. Under the provisions of 19 USC 1497, the vehicle, valued at $24,500 is subject to forfeiture and Mr. von Neumann is liable to a penalty of $24,500.

Consideration has been given to your petition and the reported facts and it is the decision of this office that some relief is warranted. Accordingly, by authority of Section 171.21 Customs Regulations, the forfeiture of the vehicle and the penalty will be remitted upon payment of $3,600. As you have previously paid $24,500 to secure release of the vehicle, a refund of $20,900 will be issued to Mr. vonNeumann. Please allow adequate time for processing of the refund.

Sincerely,

DONALD L. EIDE
District Director

By /s/ E. Phillips
E. PHILLIPS
Fines, Penalties &
Forfeitures Officer

FRANCO, ASIA, BENSUSSEN & COE
Attorneys at Law
602 Tower Building
Seattle, Washington 98101
624-5622

March 4, 1975

Donald L. Eide
Director, Bureau of Customs
2039 Federal Office Building,
Seattle, Washington 98104

Re: Seizure No. 75-3004-10982
a 1974 Jaguar Panther,
California License No. 688-LEG

Dear Mr. Eide:

This letter is written in order to invoke the appropriate Customs review procedures applicable to seizure cases and to obtain your personal review of the above numbered matter.

Your Fines, Penalties and Forfeitures Officer has assessed a penalty of $3,600.00 against my client John vonNeumann.

It is our view that the penalty of $3,600.00 is unwarranted and excessive under the circumstances as previously detailed in my petition of February 12, 1975 directed to your office. (Copy attached).

Accordingly, I respectfully request that you review this entire matter and determine whether the value placed on this vehicle was correct and whether the penalty computed, based on the vehicle value, was fair and just under the circumstances.

Mr. vonNeumann is emphatic in his view that the incident at Blaine was the result of misunderstanding and that he had no intention whatsoever of illegally importing an automobile. His background and reputation, I believe, bear this out.

Please fell free to contact me should you wish any other information on this matter.

Sincerely,

/s/ Laurence B. Finegold
LAURENCE B. FINEGOLD

LBF:kc
Attachment

DEPARTMENT OF THE TREASURY
U.S. CUSTOMS SERVICE
Seattle, Wash.

April 14, 1975

Refer to
District Case
No. 75-3004-10982

Franco, Asia, Bensussen & Coe
602 Tower Building
Seattle, WA 98101

Attention: Laurence B. Finegold

Gentlemen:

The above District Case concerns liabilities incurred by John vonNeumann for violation of 19 USC 1497, failure to declare a 1974 Jaguar Panther upon entry into the United States at Blaine, Washington on January 20, 1975.

Our letter of March 10, 1975 informed you that this case had been forwarded to the Regional Commissioner of Customs in San Francisco for his review. It is his decision to uphold our decision of February 25, 1975 to remit the forfeiture and penalty upon payment of $3,600. As this amount was previously paid, this case is now closed on our records.

Sincerely,

/s/ Donald L. Eide
DONALD L. EIDE
District Director

SUPREME COURT OF THE UNITED STATES

No. 84-1144

UNITED STATES, PETITIONER

v.

JOHN VON NEUMANN

ORDER ALLOWING CERTIORARI

Filed April 29, 1985

The petition herein for a writ of certiorari to the *United States Court of Appeals for the Ninth Circuit* is granted.

☆ U. S. GOVERNMENT PRINTING OFFICE: 1985 478316 11043